

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., *et al.*,

Defendants.

No. C 17-00939 WHA

**ORDER RE EXPEDITED  
DISCOVERY AND RELATED  
MATTERS**


After a conference with both sides to critique a tentative order, this order sets forth a plan for expedited discovery for both sides leading up to a hearing on plaintiff's motion for provisional relief:

1. Defendants may depose the declarants who submitted declarations in support of plaintiff's motion for preliminary injunction. In addition, defendants may depose up to three additional plaintiff officers, directors, or employees. Plaintiff must make said deponents available upon 120 hours notice. Defendants may have a total of 18 hours of deposition time (not counting breaks), to be allocated among deponents as they wish. These depositions may begin as soon as the required notice is given.
2. Upon the same 120 hours notice, plaintiff must produce specific documents 24 hours before that deposition. The document requests, however, must be very narrowly drawn and limited to six requests per deponent.

- 1           3.     The deadline for defendants to oppose plaintiff's motion for preliminary  
2           injunction is continued from March 24 to **APRIL 7**.
- 3           4.     By March 31, defendants shall produce for inspection all files and  
4           documents downloaded by Anthony Levandowski, Sameer Kshirsagar, or  
5           Radu Raduta before leaving plaintiff's payroll and thereafter taken by  
6           them. Defendants shall also produce for copying the card reader, thumb  
7           drive, or other media used for the downloads, as well as all subsequent  
8           emails, memoranda, PowerPoints, text messages, or notes that have  
9           forwarded, used, or referred to any part of said downloaded material. If  
10          any part of said downloaded material has been deleted, destroyed, or  
11          modified, then defendants shall state the extent thereof and produce all  
12          documents bearing on said deletion, destruction, or modification.
- 13          5.     Plaintiff may depose the declarants who submit declarations in opposition  
14          to the motion for preliminary injunction. In addition, plaintiff may depose  
15          three additional officers, directors or employees of defendants. Defendants  
16          must make the deponents available upon 120 hours notice. Plaintiff may  
17          have a total of 18 hours of deposition time (not counting breaks) to be  
18          allocated as it wishes. All depositions to be taken by plaintiff shall occur  
19          after defendants' opposition.
- 20          6.     Upon the same 120 hours notice, defendants must produce specific  
21          documents 24 hours before that deposition of defendant personnel. The  
22          document requests, however, must be very narrowly drawn and limited to  
23          six requests per deponent. This is in addition to the documents ordered to  
24          be produced in paragraph 4 above.
- 25          7.     The deadline for plaintiff to reply is continued from March 31 to **APRIL 21**.  
26          Plaintiff may base its reply upon the foregoing discovery, but it may not  
27          rely on fresh reply declarations on any point that could and should have  
28          been raised up front.

8. By April 28, defendants may file a sur-reply up to **TEN PAGES** in length, limited strictly to addressing material in plaintiff's reply. It may not rely on fresh sur-reply declarations on any point that could and should have been raised in the opposition.

**IT IS SO ORDERED.**

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE